

(c) Remarks

The claims are 1, 3 and 5-12 with claims 1 and 3 being independent. Claims 2 and 4 were cancelled without prejudice or disclaimer. The subject matter of claim 2 was added to claim 1, except for formula IX and the subject matter of claim 4 was added to claim 3 except for formula IX. Claims 9 and 10 were amended to correct a typographical error in formula X. Reconsideration of the claims is requested.

Formula X in claims 9 and 10 has been corrected to add a missing bond to the fluorene group. Support is found on page 24, lines 19 and 20, and on pages 25-29 for Compounds FL-1 to FL-26.

Claims 9-12 were rejected under Rule 112, second paragraph, as being indefinite. The Examiner argues that claims 9-10 are not commensurate in scope with claims 1 and 3 upon which they depend. The Examiner argues that claims 9-12 employ arylamines which are not present in the spirobifluorene of formula [I]. That rejection is respectfully traversed.

The Examiner has apparently misunderstood the subject matter of claims 9-12. Claims 9-12 utilize a spiro compound of claim 1, and, in addition, a separate fluorene compound. This is also shown in Example 1, which employs a fluorene compound as well as a spirobifluorene (Compound No. 1). The Examiner should withdraw the objection, since claims 9-12 include the spirobifluorene of claim 1 and a different fluorene compound not recited in claims 1 and 3.

Claims 1, 2, 5, 7 and 9-10 were rejected as anticipated by Nishi 2002/0034659. Claims 3, 6 and 8 were rejected as anticipated by Kreuder '082. Claims 4 and 12 were rejected as obvious over Kreuder. The rejections are respectfully traversed.

The present claimed invention includes a spiro compound which is substituted with a fluorene compound (III), (IV), a pyrene compound (V), an anthracene

(VII) compound, a phenanthrene (VIII) compound or a acephenanthrylene (VI) compound. In claims 9-10 a fluorene compound is bonded as a substituent to the spiro compound.

In Nishi '659 the spiro compound is bonded to a carbazole, an aromatic amine, TAZ (Formula 8) which is a triazole or PBD (Formula 9) which is an oxadiazole. Therefore, Nishi fails to teach or suggest the substituents (III)- (VIII). Accordingly, Nishi fails as an anticipation. In addition, Nishi fails to teach a separate fluorene compound with the spiro compound as in claims 9-12.

Kreuder '082, likewise, fails to teach a spiro compound with any of substituents (III) - (VIII). Instead, Kreuder merely teaches a biphenyl group as a substituent which is a monocyclic aromatic, not a polycyclic aromatic as Groups III - VIII. Kreuder also fails to enable any of the present claimed groups (III) - (VIII) and, therefore, is not an effective reference against the present claims. The Examiner admits Kreuder fails to teach any polycyclic substituents. Therefore, it cannot render the claims anticipated or *prima facie* obvious.

The claims should be allowed and the case passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Peter Saxon/
Peter Saxon
Attorney for Applicants
Registration No.: 24,947

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 624040v1